

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A meeting of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday, February 14, 2011**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:10 pm.

MEMBERS PRESENT: Chairman Phillip Farley, Council District No. 1; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Jack H. Schurlock, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8. Supervisor Daniel W. Davis; Ms. Nicole Ewing, County Attorney and Ms. Barbara B. Austin, Clerk of County Council.

ALSO PRESENT: Council Member Robert O. Call, District No. 3, ex officio.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Farley: I'd like to call the meeting on Land Use to order. I'd like to ask Mr. Colin Martin to lead us in the Invocation and if we can all stand together and join together in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Farley: First on the agenda is the approval of minutes from the January 24, 2011 meeting."

Committee Member Call: "Move for approval"

Committee Member Pinckney: "Second"

Chairman Farley: "I have a motion and a second. Are there any corrections to these minutes? (No Response) All in favor please say Aye? (Ayes) All opposed Nay? (No Response) Minutes stand approved as presented."

It was moved by Committee Member Pinckney and seconded by Committee Member C. Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

A. Consideration prior to First Reading of an **ordinance** to **amend** certain sections of Ordinance No. 01-8-35, the Berkeley County Zoning and Development Standards Ordinance, as amended, **to provide for the regulation of building and structure height** within the residential, rural, commercial and industrial zoning districts.

[Staff recommended approval]

[Planning Commission recommended approval]

Chairman Farley: "Mr. Greenway"

Mr. Eric Greenway, Zoning Administrator: "Our present building height regulations are a little too stringent in most of our cases. In order to go above that height limit of 35 feet, which is the standard now, we measure it to the eave of the actual structure. In order to go above that you either need to seek a variance before the Board of Zoning Appeals or you have to go through a complicated process of hiring a Fire Consultant to prove that the additional height of the building is not going to have a problem with the fire districts' ISO rating. I've been concerned about this since I've been here because I'm not sure that a Fire Consultant can, with any reasonable degree of certainty, tell the effect of a building height relief on an ISO rating in a particular fire district. So what we are proposing to you all this evening is that we basically go with the building code requirements for height, which will still make sure that the building is safe, that there is adequate fire fighting capabilities and things like that on that and that we would only do that in a case where the fire department allowed that extra feet above 35 feet, if a fire department proves to us, based on our discussions with our fire marshal that the fire department has the ability to fight that standard. The building height requirements to go above 35, you get into the type of construction, materials, and fire suppression abilities and things like that. So we think it is going to create a much more uniform, efficient and effective ordinance for our folks that live here and potential economic development prospects that may want to relocate here."

Chairman Farley: "What about ladder trucks?"

Mr. Greenway: "That would be a part of our discussion if somebody wanted to propose a tall structure, that would be part of our discussion that we would have with the fire department. Do they have the capability if we allow a building to go above that to fight the fire and the ladder trucks would be one of the premium things or one of the first things that they would discuss with us as a need."

Chairman Farley: "I know that ladder trucks run anywhere from \$900,000 for a used one on up to \$1.5. I don't know that our rural fire departments could..."

Mr. Greenway: "They would not in those particular cases. We would not see your building height requirements go beyond what we would typically see, 30 to 35 feet at this point. This is going to be more of an issue where you either have the ability to agree with an adjacent fire department that has got a ladder truck to provide a mutual aide or there is already an onsite fire department that can provide those services to the applicants. I think one of the facilities down at Bushy Park has an onsite fire team that would be able to get into these buildings and provide those services with adequate equipment."

Chairman Farley: "I think the Weapons Station has one also."

Mr. Greenway: "Yes, I think so."

Committee Member Schurlknight: "Mr. Chairman"

Chairman Farley: "Mr. Schurlknight"

Committee Member Schurlknight: "These buildings that we are talking about are more than likely looking at Jedburg, that area down there?"

Mr. Greenway: "This particular amendment would be used in two cases. In our economic development sites, Jedburg Road, Bushy Park area, possibly Mt. Holly Industrial Park, again depending on the type of construction. Also, in our general commercial districts where we may want to have a little higher structure from a commercial standpoint. To give you an example of that, we have got a situation down where Mead Westvaco is doing that Sheep Island work at Highway 17A and Rose Drive and all of that. They are proposing some multi-story hotels and motels. They would be limited to this 35 foot provision without this relief. We are not doing this specifically for that purpose down there, but we are trying to build some flexibility and say if you meet the fire code and not cause a fire problem and your type of construction allows you to go higher, then we are ok with it."

Council Member Call: "Mr. Chairman?"

Chairman Farley: "Yes sir, Mr. Call"

Council Member Call: "I'm not on the Committee but, what I understand Mr. Greenway, is that the types of construction above these limits that our fire departments reach would be more fire resistance and more readily accessible. Is that basically what the IBC is....."

Mr. Greenway: "That is correct. You have got to provide that accessibility to get to the top of the structure has to be provided generally that below 35 feet and then additional fire suppression escape routes, egresses out of the building and things like that have to be provided to get all of those packages together to go above 35 feet."

Council Member Call: "The construction materials, fire retardant material, they are different at those...."

Mr. Greenway: "It basically becomes a non-combustible structure above 40 feet."

Chairman Farley: "Ok, this is first reading so I entertain a motion."

Committee Member S. Davis: "Move for approval"

Committee Member Schurlknight: "Second"

Chairman Farley: "I have a motion and a second. Before we go any further, if you have any questions, bring them to the next meeting also. Think about it, talk it around, good idea. All in favor please say Aye? (Ayes) Opposes Nay? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** prior to **First Reading** of an **ordinance** to **amend** certain sections of Ordinance No. 01-8-35, the Berkeley County Zoning and Development Standards Ordinance, as amended, to **provide for the regulation of building and structure height** within the residential, rural, commercial and industrial zoning districts. The motion passed by unanimous voice vote of the Committee.

B. Consideration prior to **First Reading** of a **request** by **William D. Farrior, IV**, located adjacent to 4758 Highway 41, Huger, TMS# **202-00-00-011** (0.92 +/- acres), **F-1, Agricultural District to RNC, Rural and Neighborhood Commercial**. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

Mr. Greenway: "You all approved a rezoning of that tract of land about a year ago or maybe a little over a year ago. The same individual has bought the adjacent tract there and is requesting to expand that RNC. We have done a lot of work with our comp plan update that we are going to be looking at on the 22nd with the Public Input meeting and basically we have designated this interchange right here as a Neighborhood Commercial Node so this will fit in if you all adopt that Comp Plan Update. This will fit in with that plan and we think it is an appropriate rezoning and we support it. We would not support rezoning anything beyond that general commercial right there back this way but fill in that interchange right there. We feel it is an appropriate land use decision."

Committee Member S. Davis: "Move for approval"

Committee Member Pinckney: "Second"

Chairman Farley: "I have a motion and a second. Is there any more discussion? (No Response) All in favor please say Aye? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve** prior to **First Reading** a **request** by **William D. Farrior, IV**. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "I'll entertain a motion to adjourn"

Committee Member Schurlknight: "So move"

Committee Member S. Davis: "Second"

Chairman Farley: "I have a motion and a second. All in favor please say Aye? (Ayes) All opposed? (No Response) We are adjourned."

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **adjourn** the Committee on Land Use meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 6:19 pm.

March 14, 2011
Date Approved